

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00500

Harold OK Hagler,
Plaintiff,

v.

Nurse Davis et al,
Defendants.

ORDER

Plaintiff Harold OK Hagler, formerly confined within the Gregg County Jail and proceeding pro se, filed this lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell.

On December 30, 2022, the magistrate judge issued a report recommending that defendant's motion for summary judgment limited to the exhaustion of administrative remedies (Doc. 33) be granted and that the case be dismissed. Doc. 36. The magistrate judge further recommended that the statute of limitations be suspended for a period of sixty days from the date of final judgment. *See Campbell v. Wilkinson*, 988 F.3d 798, 801 n.1 (5th Cir. 2021). A copy of this report was sent to plaintiff by certified mail to his last-known address. However, the report was returned as "undeliverable," Doc. 37, and plaintiff failed to file a notice of a change of address.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation.

Defendant's motion for summary judgment (Doc. 33) is granted and plaintiff's lawsuit is dismissed for the failure to exhaust administrative remedies. The statute of limitations is

suspended for a period of 60 days from the date of final judgment.
All remaining motions are denied.

So ordered by the court on February 10, 2023.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge